Introduced by Senator Ashburn

February 22, 2005

An act to add Section 42506.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Ashburn. Air quality: *Protect California Air Act of 2003*: stationary sources.

Existing law establishes the Protect California Air Act of 2003 for the purpose of attaining and maintaining ambient air quality standards by the earliest practicable date, protecting public health and welfare from the adverse effects of air pollution, and ensuring that economic growth will occur in a manner consistent with the preservation of existing clean air resources. Existing law prohibits air pollution control districts and air quality management districts from amending or revising their new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002, except under certain circumstances.

This bill wouldexempt from the requirements of prohibit the provisions of the Protect California Air Act of 2003the replacement of any permitted stationary source on a military installation, provided that the actual emissions of the replacement stationary source, based on an enforceable condition on the replacement source, are at least 10& lower than the existing permitted source from requiring a district reviewing a permit for the modification or replacement of any permitted stationary source on a military installation either to undertake a potential to emit analysisor to require the provision of offsets if both of the following conditions are met: (1) the projected actual emissions of the modified or replacement source do not exceed

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the actual emissions of the existing permitted source, and (2) the modified or replacement source includes best available control technology.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42506.5 is added to the Health and 2 Safety Code, to read:

42506.5. This chapter does not apply to the replacement of any permitted stationary source on a military installation, provided that the actual emissions of the replacement stationary source, based on an enforceable condition on the replacement source, are at least 10 percent lower than the existing permitted source.

42506.5. Nothing in this chapter shall require a district reviewing a permit for the modification or replacement of any permitted stationary source on a military installation to undertake a potential to emit analysis or to require the provision of offsets, if both of the following conditions are met:

- (a) The projected actual emissions of the modified or replacement source do not exceed the actual emissions of the existing permitted source.
- 17 *(b)* The modified or replacement source includes best 18 available control technology.